

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEVI GARCIA STRANGE,
Plaintiff,
v.
U.S. ARMY, et al.,
Defendants.

No. 2:20-cv-2408-JAM-KJN PS

ORDER REQUIRING SUPPLEMENTAL
FILINGS

Plaintiff, who is proceeding without counsel in this action, has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF No. 2.) However, plaintiff's application is deficient, and the court cannot rule on plaintiff's request at this time. The majority of plaintiff's IFP application is left blank, and while plaintiff lists certain monthly expenses, he provides no information on his income. Thus, plaintiff is ordered to supplement his IFP request by providing the court with more information about his income, expenses, and other areas (as requested on the IFP short form). Plaintiff may refile a completed short form, or may provide supplementary answers to the blank spaces on his original form. Plaintiff shall supplement this information within 14 days of this order.

Further, it appears plaintiff is alleging some kind of tort claim against the U.S. Army. Setting aside other potential pleading issues, it is unclear from plaintiff's complaint whether he has exhausted his claims in an administrative process. See Gillespie v. Civiletti, 629 F.2d 637,

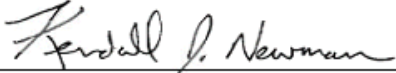
640 (9th Cir. 1980) (“The timely filing of an administrative claim . . . should be affirmatively alleged in the complaint.”). Therefore, in addition to plaintiff’s supplementary filing on the IFP issue, plaintiff shall file a declaration indicating whether he has participated in any administrative remedies with the U.S. Army, and if so what the status of that proceeding is. This declaration is also due within 14 days of this order.

ORDER

Accordingly, it is hereby ORDERED that within 14 days, plaintiff shall:

1. Supplement his request to proceed in forma pauperis; and
2. File a declaration concerning the U.S. Army’s administrative claims process.

Dated: December 16, 2020


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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